

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-005621

11/18/2011

HON. SAM J. MYERS

CLERK OF THE COURT

L. Bush

Deputy

IN RE THE MATTER OF
BURT LEROY MILLER

BURT LEROY MILLER
4221 W DUNLAP AVE #205
PHOENIX AZ 85051

AND

MEGAN IRENE SAENZ

MEGAN IRENE SAENZ
4218 W MORTEN AVE
PHOENIX AZ 85051

AZ DEPARTMENT OF VITAL
RECORDS
DOCKET-FAMILY COURT CCC
FAMILY COURT ATTY CASE MNGR -
CCC
FAMILY COURT CONFERENCE
CENTER-CCC
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom CCB 603

8:29 a.m. This is the time set for Return Hearing regarding Petitioner's Motion For Temporary Orders for Child Custody filed on August 29, 2011 and Response thereto filed on September 16, 2011. Petitioner/Father, Burt Leroy Miller, is present on his own behalf. Respondent/Mother, Megan Irene Saenz, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Burt Leroy Miller and Megan Irene Saenz are sworn.

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Discussion is held with the Court regarding the status of the case.

The parties inform the Court that they have reached an agreement regarding the issues presently before the Court, which are stated on the record and can be summarized as follows:

- Father is the natural father of the minor child, Aryza Miller (DOB: 03/11/2009).
- Father shall have sole legal custody of the minor child.
- Mother shall have parenting time with the minor child every other weekend, from Friday at 4:00 p.m. until Sunday at 7:00 p.m.
- Father waives child support from Mother because Mother is disabled.

The parties having reached agreements on all issues,

IT IS ORDERED vacating the Early Resolution Management Conference set on December 8, 2011 at 8:00 a.m., before Attorney Case Manager Garry Wilmore.

8:37 a.m. Matter concludes.

LATER:

PATERNITY JUDGMENT

The Evidentiary Hearing in this matter was conducted on November 18, 2011. During the proceedings, the Court heard from the parties. The Court has since considered the evidence, including the demeanor of the parties, reviewed the case history, and considered the parties' arguments.

After significant deliberation, the Court makes the following findings and enters the following orders:

PATERNITY

THE COURT FINDS that pursuant to the parties' stipulation, Burt Leroy Miller is the natural father of the following minor child: Aryza Miller born to Megan Irene Saenz on March 11, 2009.

IT IS ORDERED declaring that Burt Leroy Miller is the natural father of the following minor child: Aryza Miller born to Megan Irene Saenz on March 11, 2009.

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IT IS FURTHER ORDERED that the parties shall take all necessary steps to have the birth certificate of the minor child amended in accordance with this order if the correct information does not now appear on the original certificate. Information for amendment of an Arizona birth certificate may be obtained from the Office of Vital Records, Department of Health Services, 1818 W. Adams, Phoenix, Arizona 85007; Phone (602) 364-1300. A certified copy of this minute order may be obtained after ten days of receipt of same, and shall then be provided, together with all other required documents and fees, to the Office of Vital Records, so that the birth certificate can be amended or supplemented as ordered.

IT IS FURTHER ORDERED that both parties shall be responsible for paying half of the costs associated with changing the child's birth certificate.

CUSTODY AND PARENTING TIME

Jurisdictional Findings

THE COURT FINDS that Mother and Father have one minor child in common: Aryza Miller (born March 11, 2009). The parties and the minor child have resided in Arizona continuously for at least the six months preceding the filing of the petition for dissolution. This Court, therefore, has jurisdiction as Arizona is the "home state" of the minor child. *See* A.R.S. § 25-1031.

Best Interest Findings: A.R.S. § 25-403

The Court has considered the agreement of the parties and the factors under A.R.S. § 25-403. The parties have stipulated to a finding that the agreed upon plan is in the best interests of the minor child.

THE COURT FURTHER FINDS that there is no history of domestic violence (A.R.S. § 25-403(E) and 25-403.03), any drug related offenses of either party (A.R.S. § 25-403.04) and any sexual offenses (A.R.S. § 25-403.05) sufficient to preclude the award of joint legal custody as agreed.

Legal Custody

THE COURT FURTHER FINDS that it is in child's best interest that Father be awarded sole legal custody of Aryza Miller (born March 11, 2009).

IT IS THEREFORE ORDERED awarding Father sole legal custody of Aryza Miller (born March 11, 2009).

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Parenting Time

As a term of the overall custody orders, parenting time shall be exercised as follows:

Regular Access- Father shall be primary residential parent. Beginning November 18, 2011, Mother shall have the child every other weekend from Friday at 4:00 p.m. through Sunday at 7:00 p.m. Mother will pick the child up from Father's home to begin her parenting time, and Father will pick up the child from Mother's home to begin his parenting time.

Holiday Schedule-

A. Father's Holidays in Even-Numbered Years; Mother's Holidays in Odd-Numbered Years:

1. **Easter:** From 6:00 p.m. on Friday until 6:00 p.m. on Sunday evening.
2. **4th of July:** From 6:00 p.m. on July 3rd until 9:00 a.m. on July 5th.
3. **Thanksgiving:** Thanksgiving starts at the end of school before Thanksgiving Day or 6:00 p.m. on the Wednesday before Thanksgiving (whichever is earlier) and ends at 6:00 p.m. on the Sunday following Thanksgiving Day.

B. Father's Holidays in Odd-Numbered Years; Mother's Holidays in Even-Numbered Years:

1. **Spring Break:** All weekdays plus all weekend days.
2. **Halloween:** From 6:00 p.m. to 8:30 p.m. on October 31st.
3. **Fall Break:** All weekdays plus all weekend days. With this schedule, a parent will have both spring break and fall break in a calendar year. However, the schedule ensures that the parents will alternate spring break and fall break by school year, with each parent having one of the school breaks.

C. Other Holidays:

1. **Christmas:** Christmas shall be divided into three segments.

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- The first segment shall begin when school ends for the holiday break or 6:00 p.m. on December 23rd (whichever is earlier) and continue until 10:00 a.m. on December 25th.
- The second segment shall begin at 10:00 a.m. December 25th and continue until 6:00 p.m. on December 30th.
- The third segment shall begin at 6:00 p.m. on December 30th and continues until 6:00 p.m. on the day before school resumes at the end of the holiday break or January 1st (whichever is later).
- In even numbered years, Mother shall have the first segment, and Father shall have the second segment. In odd numbered years, Father shall have the first segment, and Mother shall have the second segment.
- In even numbered years, Mother shall have the third segment. In odd numbered years, Father shall have the third segment.

2. Monday holidays/Three-day weekends (such as Civil Rights Day, Columbus Day, Presidents' Day, Memorial Day, Labor Day, etc.): The child will remain in the care of the parent who has the child for the weekend. The return time will be 6:00 p.m. on Monday.

3. Father's/Mother's Day: The child shall be with Father on Father's Day and with Mother on Mother's Day. Father's/Mother's Day begins at 6:00 p.m. on the Friday before the day and ends at 6:00 p.m. on Sunday evening.

4. The Child's Birthdays: Mother will have odd numbered years, and Father will have even numbered years. The birthday begins the day before the birthday either after school or 6:00 p.m. if the child is not in school until the morning after the birthday for the start of school or 9:00 a.m. if there is no school.

5. All Other Holidays: For any other holidays not detailed above, special occasions or birthdays, the regular access schedule shall apply.

D. Holiday Time Priority: Holiday time shall take priority over regular parenting time and summer vacation time.

Summer/Vacation- The regular schedule will apply.

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CHILD SUPPORT

Because Mother is disabled, Father has agreed to waive Mother's obligation to pay child support at this time.

Insurance and Unreimbursed Medical Expenses

IT IS ORDERED that Father shall provide medical insurance for the benefit of the parties' minor child, and shall provide an insurance card and claim filing information/forms to the other parent. All medical, dental and orthodontia expenses incurred for the health and protection of the child not covered by insurance shall be paid 80 % by Father and 20 % by Mother.

IT IS FURTHER ORDERED that unless good cause is shown, any request for payment or reimbursement of uninsured medical, dental, and/or vision costs must be provided to the other parent within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

Both parents must use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

Tax Deduction For Child As A Dependent

IT IS ORDERED that Father may claim the eligible dependent every year.

Exchange Of Income Information

IT IS ORDERED that the parties shall exchange income information every 24 months. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

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ATTORNEY FEES AND COSTS

Neither party was represented by an attorney; no attorney's fees or costs are requested.

IT IS ORDERED denying any affirmative relief sought before the date of this Order that is not expressly granted above.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED the 22nd of November, 2011

/s/ Honorable Sam J. Myers

HONORABLE SAM J. MYERS
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.